

THIRD AMENDMENT TO  
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between

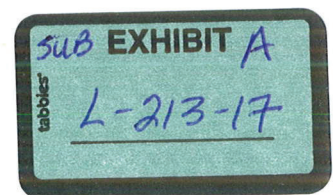
CITY OF PARMA, OHIO

and

THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN  
PARK DISTRICT

for

WEST CREEK RESERVATION



**WEST CREEK RESERVATION**

THIRD AMENDMENT TO LEASE

between

CITY OF PARMA, OHIO

and

THE BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN  
PARK DISTRICT

THIS THIRD AMENDMENT TO LEASE (this "Third Amendment") is made as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the CITY OF PARMA, OHIO, a political subdivision of the State of Ohio ("Parma"), and the BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, a political subdivision of the State of Ohio, of 4101 Fulton Parkway, Cleveland, Ohio 44144 ("Cleveland Metroparks").

Recitals

WHEREAS, Cleveland Metroparks is authorized to acquire and/or lease real property for the conservation of the natural resources of the State of Ohio and to develop, improve, protect, and promote the use of parks pursuant and subject to the provisions of Chapter 1545 of the Ohio Revised Code; and

WHEREAS, Parma owns certain real property located in Parma, adjacent to certain other real property in which Cleveland Metroparks has acquired or will acquire real estate or other interests and which has been or will be incorporated into the West Creek Reservation of the Cleveland Metropolitan Park District; and

WHEREAS, Parma has leased a portion of the described real property to Cleveland Metroparks under Lease made and entered into as of July 21, 2005 and filed for record on March 2, 2006 as Document Number 200603020778 in the Cuyahoga County, Ohio, Record (the "Lease"); and

WHEREAS, Parma and Cleveland Metroparks changed the description of the real property leased by Parma to Cleveland Metroparks under the Lease in order to add additional real property located in Parma to the West Creek Reservation by entering into the First Amendment to the Lease on June 26, 2008 and filed for record on February 3, 2009 as Document Number 200902030565 in the Cuyahoga County, Ohio, Record ("First Amendment"); and

WHEREAS, Parma and Cleveland Metroparks changed the description of the real property leased by Parma to Cleveland Metroparks under the Lease in order to add additional real property located in Parma to the West Creek Reservation by entering into the Second Amendment to the Lease on December 30, 2016 and filed for record on December 30, 2016 as

Document Number 201612300702 in the Cuyahoga County, Ohio, Record (“Second Amendment”); and

WHEREAS, Parma owns additional real property located in Parma; and

WHEREAS, Parma and Cleveland Metroparks desire to change the description of the real property leased by Parma to Cleveland Metroparks under the Lease, First Amendment, and Second Amendment in order to add the above-described additional Parma real property to the West Creek Reservation and include it under the terms of the Lease from and after the date of this Third Amendment, on the terms and conditions hereinafter set forth; and

WHEREAS, Parma has approved this Third Amendment on \_\_\_\_\_, 20\_\_\_\_, passed by Resolution No. \_\_\_\_;

WHEREAS, Cleveland Metroparks has approved this Third Amendment on September 27, 2017, passed by Resolution No. 17-09-141; and

NOW, THEREFORE, for the reasons set forth above, and in consideration of the mutual promises and agreements hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, Parma and Cleveland Metroparks agree as follows:

1. DEFINITIONS.

1.1 Generally. The following definitions hereby are added or amended:

“Additional Leased Premises 3” means the real property so identified on Exhibit A-5 attached hereto and made a part hereof and described on Exhibit B-4 attached hereto and made a part hereof and all buildings, structures, and other improvements that may be constructed thereon by, or on behalf of, Cleveland Metroparks, and all replacements, additions, and alternations thereto, together with all and singular the appurtenances, rights, privileges, and easements now or hereafter appertaining thereto; however Cleveland Metroparks is not responsible for operating, maintaining, repairing, replacing or improving existing utilities on the Additional Leased Premises 3, including, but not limited to, culverts, headwalls, stormwater improvements, or other similar utility structures and/or improvements.

“Map of the Additional Leased Premises 3” means the map attached hereto as Exhibit A-5 and made a part hereof.

“Map of Leased Premises” hereby is amended to include Map of the Additional Leased Premises 3.

“Premises” is hereby amended to include Additional Leased Premises 3.

- 1.2 References. As applicable from time to time, as provided in the Lease, the First Amendment, the Second Amendment, or this Third Amendment, all references in the Lease or First Amendment to “Exhibit A” shall be deemed to mean Exhibit A, Exhibit A-1, Exhibit A-2, Exhibit A-3, Exhibit A-4, and Exhibit A-5, collectively, all references to “Exhibit B” shall be deemed to mean Exhibit B, Exhibit B-1, Exhibit B-2, Exhibit B-3, and Exhibit B-4, collectively.

2. INCORPORATION.

The provisions of this Third Amendment are hereby incorporated into the Lease as if fully rewritten therein. All terms used herein shall be defined and construed in the manner set forth in the Lease, as amended. Except as otherwise provided in, or as otherwise necessary or appropriate to give effect to the terms of this Third Amendment, all provisions, terms, and conditions of the Lease, First Amendment, and Second Amendment not expressly modified by or inconsistent with this Third Amendment shall remain unchanged and in full force and effect. In the event of any conflict between the Lease, the First Amendment, the Second Amendment, and this Third Amendment, the provisions, terms, and conditions of this Third Amendment shall control.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Cleveland Metroparks and Parma have executed this Third Amendment as of the date first set forth above.

CITY OF PARMA, OHIO:

By:

\_\_\_\_\_  
Timothy DeGeeter  
Mayor

Approved as to Legal form:

\_\_\_\_\_  
Timothy G. Dobeck, Law Director  
City of Parma

STATE OF OHIO                    )  
  )       SS.  
COUNTY OF CUYAHOGA        )

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named CITY OF PARMA, OHIO, a political subdivision of the State of Ohio, by Timothy DeGeeter, its Mayor, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of the corporation and his free act and deed as such officer and individual.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

BOARD OF PARK COMMISSIONERS OF THE  
CLEVELAND METROPOLITAN PARK  
DISTRICT

By: \_\_\_\_\_

Brian M. Zimmerman  
Chief Executive Officer

Approved as to legal form by Rosalina M. Fini, JD,  
Chief Legal & Ethics Officer.

\_\_\_\_\_  
Kyle G. Baker, JD, Senior Assistant Legal Counsel

STATE OF OHIO                    )  
  )       SS.  
COUNTY OF CUYAHOGA        )

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named BOARD OF PARK COMMISSIONERS OF THE CLEVELAND METROPOLITAN PARK DISTRICT, by Brian M. Zimmerman, its Chief Executive Officer, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of the corporation and his free act and deed as such officer and individual.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at  
\_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

This instrument prepared by,  
and should be returned to:  
Cleveland Metroparks  
Administrative Offices  
4101 Fulton Parkway  
Cleveland, Ohio 44144



Exhibit A-5

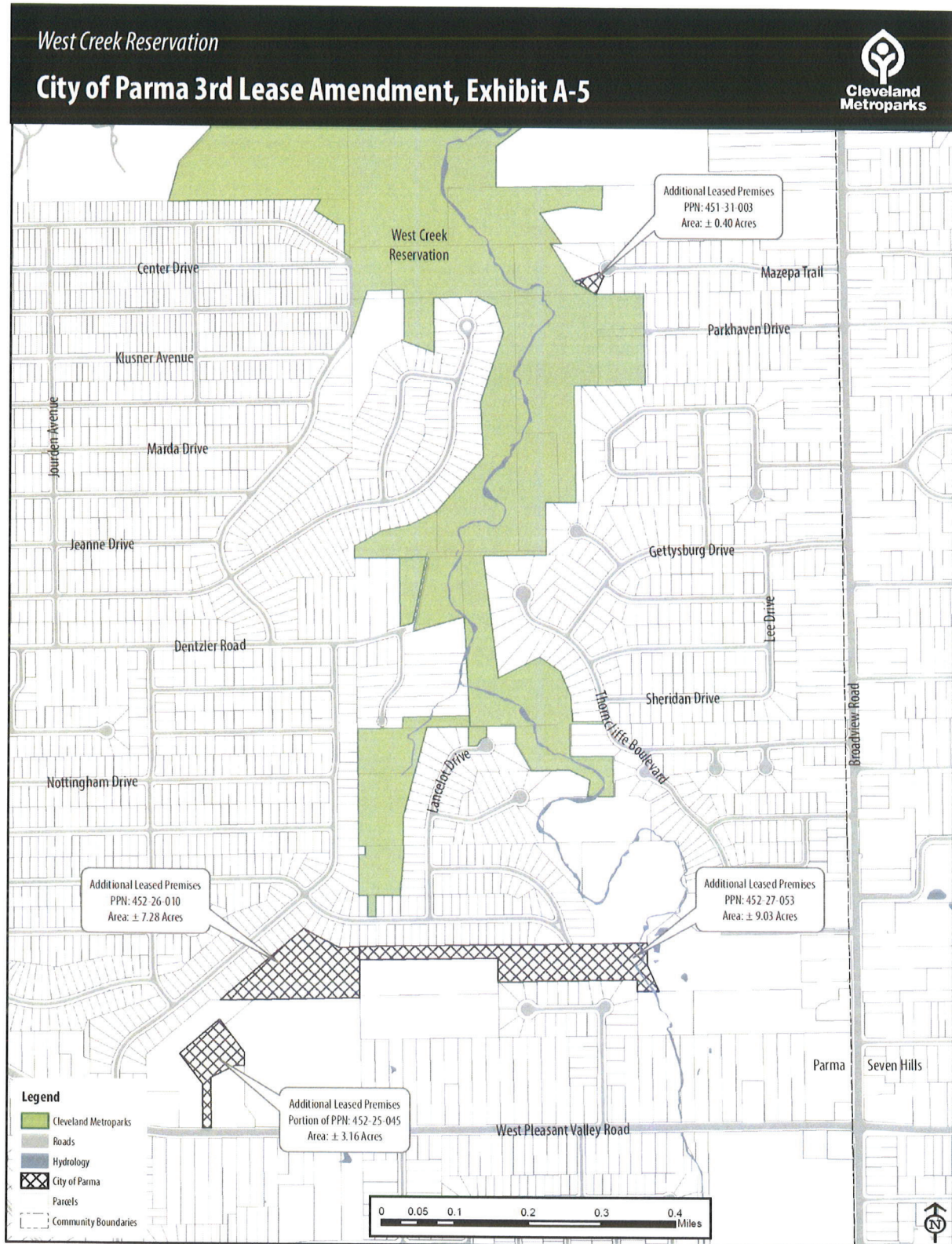


Exhibit B-4

**City of Parma**

**Portion of PPN 452-25-045**

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being a part of Original Parma Township, Lot #31, Ely Tract and being a **3.1560 acres (135,299 sq.ft.) Perpetual Conservation Easement** located within a 5.6747 acres parcel of land as conveyed to the City of Parma by deed dated April 23, 1976 as recorded in Volume 14238, Page 255 (PP #452-25-044) of Cuyahoga County Deed Records and further bounded and described as follows;

Beginning at a 5/8" iron pin found in a monument box marking the intersection of the Easterly line of said O.L. #31 with the centerline of Pleasant Valley Road (80 feet wide) as widened as shown on the Pleasant Valley Road Dedication Plat as recorded in Volume 182, Page 24 of Cuyahoga County Map Records;

Thence **South 89°01'09" West**, along said centerline of Pleasant Valley Road, a distance of **767.33 feet** to Southwesterly corner of a 18.0766 acres parcel of land as conveyed to the Board of Education of the Parma City School by deed April 28, 1967 as recorded in Volume 12113, Page 363 (part PP #452-26-001) of Cuyahoga County Deed Records and being the same parcel as shown on said "Partition Map Made For The CEICO Company", said point also being North 89°01'09" East as measured along said centerline of Pleasant Valley Road, distance of 483.66 feet from a point of curve therein (witnessed by a 5/8" iron pin found in a monument box - 0.13'N/0.06'E);

Thence **North 00°58'51" West**, along a Westerly line of said Board of Education of the Parma City School's land (part PP #452-26-001), perpendicular to said centerline of Pleasant Valley Road, a distance of **40.00 feet** to the Southeasterly corner of a parcel #452-25-044 (witnessed by a 5/8" iron pin found - 1.09'N/0.12'W),



Thence **South 89°01'09" West**, along said Northerly sideline of Pleasant Valley Road, parallel with and at a perpendicular distance of 40.00 feet North of said centerline thereof, along a Southerly line of parcel #452-25-044, a distance of 320.01 feet to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849") and the Principal Place of Beginning of the Premises herein intended to be described;

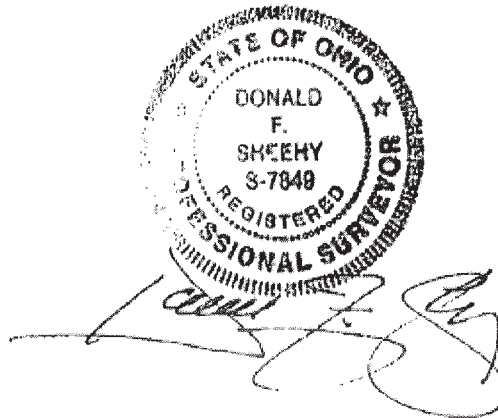
- Course 1:** Thence continuing **South 89°01'09" West**, along said Northerly sideline of Pleasant Valley Road, parallel with and at a perpendicular distance of 40.00 feet North of said centerline thereof, a distance of **60.00 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849") on the Easterly line of the Residual 5.6543 acres of a 12.3377 acres parcel of land as conveyed to the Cleveland Electric Illuminating Company by deed dated May 23, 1961 as recorded in Volume 10157, Page 166 (PP #452-25-001) of Cuyahoga County Deed Records;
- Course 2:** Thence **North 00°58'51" West**, perpendicular to said centerline of Pleasant Valley Road, parallel with and at a perpendicular distance of 380.01 feet West of said Westerly line of Board of Education of the Parma City School's land (part PP #452-26-001), along said Easterly line of Cleveland Electric Illuminating Company's land (PP #452-25-001), a distance of **315.00 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849") at an angle point therein;
- Course 3:** Thence **North 36°58'51" West**, along a Northeasterly line of said Cleveland Electric Illuminating Company's land (PP #452-25-001), a distance of **273.44 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849") at an interior corner thereof;
- Course 4:** Thence **North 49°02'23" East**, along a Southerly line of said Cleveland Electric Illuminating Company's land (PP #452-25-001), parallel with and at a perpendicular distance of 150.00 feet Southeast of the Northwesternly line thereof, a distance of **381.83 feet** to a 5/8" iron pin set at an interior corner thereof;
- Course 5:** Thence **South 36°58'51" East**, along the Southwesterly lines of said Cleveland Electric Illuminating Company's land (PP #452-25-001) and Board of Education of the Parma City School's land (part PP #452-26-001), a distance of **294.57 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849") at the Northerly corner of a 0.6598 acres parcel of land as conveyed to Parma City School District by deed dated June 23, 1967 as recorded in Volume 12129, Page 795 (part PP #452-26-001) of Cuyahoga County Deed Records;
- Course 6:** Thence **South 00°58'51" East**, parallel with and at a perpendicular distance of 75.00 feet West of said Westerly line of Board of Education of the Parma City School's land (part PP #452-26-001), along said Westerly line of Parma City School District's land (part PP #452-26-001), a distance of **98.23 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849");

- Course 7:** Thence **South 89°01'09" West**, a distance of **70.00 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849");
- Course 8:** Thence **South 63°06'46" West**, a distance of **194.56 feet** to a 5/8" iron pin set (capped "D.F. Sheehy, S-7849");
- Course 9:** Thence **South 00°58'51" East**, perpendicular to said centerline of Pleasant Valley Road, parallel with and at a perpendicular distance of **60.00 feet East** of said Easterly line of Cleveland Electric Illuminating Company's land (PP #452-25-001), a distance of **360.00 feet** to the Principle Place of Beginning and containing **3.1560 acres (137,472 sq.ft.)** of land as calculated and described from Cuyahoga County Records by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd., in August, 2015, be the same more or less;

The above described parcel of land is the same as depicted as the **3.1560 acres (137,472 sq.ft.) Conservation Easement** located within the City of Parma parcel 452-25-044 as recorded on April 23, 1976 Deed Vol. 14238 Pg. 255 of Cuyahoga County Deed Records.

The **Basis of Bearings** for this legal description is **North 89°01'09" East** as the centerline of Pleasant Valley Road (80' wide) as evidenced by monumentation found and is the same as calculated and reproduced from the Ohio State Plane Coordinates System North by ties to the O.D.O.T. Network using Station GARF and used to indicate angles only.

File #15254 Parma-Conservation Easement  
Pleasant Valley Rd – PP#452-25-044  
August 10, 2015 (jaw)



Aug. 10, 2015

The interest conveyed hereby is subject to a Conservation Easement, dated 2015. Recorded in the deed or official records of the Cuyahoga County Recorder on December 14, 2015 as document 201512140471. This document was refiled and recorded in the deed or official records of the Cuyahoga County Recorder on December 21, 2015 as document 201512210368.

**City of Parma**

**PPN 452-26-010**

Situated in the City of Parma, County of Cuyahoga and State of Ohio and indicated on the Cuyahoga County Auditor's Records as Permanent Number 452-26-010 and known as being part of Original Parma Township Lot No. 28, Ely Tract, and bounded and described as follows:

Beginning at the Southeasterly corner of said Original Lot No. 28; thence Westerly along the Southerly line of said Original Lot No. 28, about 1009.18 feet to the Southeasterly line of the Gulfedge Subdivision No. 3, as shown by the recorded plat in Volume 187 of Maps, Page 11 of Cuyahoga County Records; thence Northeasterly along the Southeasterly line of said Subdivision, 792.45 feet to the Southwesterly line of the Gulfedge Subdivision No. 7, as shown by the recorded plat in Volume 199 of Maps, Page 22 of Cuyahoga County Records; thence Southeasterly along the Southwesterly line of Gulfedge Subdivision No. 7, 289.57 feet to an angle therein; thence Easterly along the Southerly line of Gulfedge Subdivision No. 7, 147.92 feet to the Easterly line of said Original Lot No. 28; thence Southerly along the Easterly line of said Original Lot No. 28, about 363.91 feet to the place of beginning, be the same more or less, but subject to all legal highways.

The interest conveyed hereby is subject to a Conservation Easement, dated 2015. Recorded in the deed or official records of the Cuyahoga County Recorder on December 14, 2015 as document 201512140471. This document was refiled and recorded in the deed or official records of the Cuyahoga County Recorder on December 21, 2015 as document 201512210368.

**City of Parma**

**PPN 451-31-003**

Situated in the City of Parma, County of Cuyahoga and State of Ohio and known as being Sublot No. 23A in the Re-Plat of Southern Hills Estates Sublot Nos. 22 and 23 as recorded in Book Volume 244, Page 46 of Cuyahoga Map Records of part of Original Parma Township Lot No. 13, Ely Tract, as shown by the recorded Plat in Volume 333, Page 56 of Cuyahoga County Map Records, as appears by said plat, be the same more or less, but subject to all legal highways.

The interest conveyed hereby is subject to a Conservation Easement, dated 2016. Recorded in the deed or official records of the Cuyahoga County Recorder on December 1, 2016 as document 201612010743.

**City of Parma**

**PPN 452-27-053**

Situated in the City of Parma, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Parma Land Development LLC Plat of Survey, Consolidation and Partition, of part of Original Parma Township, Lot Nos. 29 and 30, Ely Tract, as shown by the recorded plat in Volume 324, Page 98 of Cuyahoga County Map Records, as appears by said plat, be the same more or less, but subject to all legal highways.

The interest conveyed hereby is subject to a Conservation Easement, dated 2003. Recorded in the deed or official records of the Cuyahoga County Recorder on December 16, 2003 as document 200312160398. This document was assigned and recorded in the deed or official records of the Cuyahoga County Recorder on December 16, 2014 as document 201412160305.